

13 April 2016

From: (b) (6), (b) (7)(C), (k)(2) [REDACTED]  
To: Chief of Naval Operations  
Via: (b)(6), (b)(7)(C) [REDACTED] [REDACTED] [REDACTED]

Subj: PRELIMINARY INQUIRY INTO ALLEGATIONS OF ABUSE OF AUTHORITY  
ICO CAPT PAUL J. LYONS, USN

Ref: (a) JAGMAN Section 0204  
(b) Letter dtd 3 Mar 16, DNS 5830  
(c) Phoncon 31 Mar 16 with (b)(6), (b)(7)(c), (k)(2) JAGC, USN

Encl: (1) NAVIG Referral to DNS 20160205-035690-CASE-01

1. Under ref (a) and IAW ref (b) and (c), this report completes subject preliminary inquiry.

2. Following discussions with (b) (6), (b) (7)(C), (k)(2) JAGC, enclosure (1) subject complaint was evaluated in 4 broad areas; discrimination against non-Surface Warfare Officers, abusive treatment of staff members, interfering with medical treatment for staff members, and improper handling of classified information.

3. Phone interviews were conducted with the complainant, LCDR Wittosch, and 5 other active duty personnel assigned to Destroyer Squadron FIFTEEN (DESRON 15) between June 2011 and May 2013. Interviews are summarized in paragraphs (a) through (f), below; where applicable, direct quotations are noted.

(a) LCDR Martha Wittosch (LCDR W), USN, 25 March 2016 phone interview. LCDR W was DESRON 15 staff N2 from June 2011 to May 2014.

(1) -In addition to enclosure (1), LCDR W said was "rattled" by the experience for some time after leaving DESRON 15.

(2) LCDR W described a high tempo work environment and that CAPT Lyons (hereafter CAPT L), then-Deputy CDRE, was not in synch with (b)(6), (b)(7)(c), (k)(2) (hereafter (b)(6), (b)(7)(c), (k)(2) then (b)(6), (b)(7)(c), (k)(2)). CAPT L wanted everything to go through him as Deputy Commodore. (b)(6), (b)(7)(c), (k)(2) told her CAPT Lyons was "brutal." LCDR W

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was told during Intel School to be ready to be "attacked" when briefing your boss, expect abuse, but be tough. She stated update meetings were stressful: 1-on-1 or 2-on-1 (with (b)(6), (b)(7)(c), (k)(2) and (b)(6), (b)(7)(c), (k)(2) meetings for updates on tasking. Most were private. Department heads would visit the Chaplain, (b)(6), (b)(7)(c), (k)(2) to get prepared and then go see the Chaplain following the meetings to complain and decompress. LCDR W stated CAPT L had little regard for hours worked by Staff members and arrived with a reputation of working long hours but she thought, "oh well, we will be tired." Ashore, she organized her division (CTT1/IS2) to arrive early to prepare morning briefing and be able to depart in the afternoon for PT, etc. LCDR W stated she would arrive just prior to the morning meeting and stay until late at night (typically 2200) so CAPT L may have thought she was not serious about her job. LCDR W said CAPT S (previous DESRON 15 Commodore) said her personnel needed to be trained to support her N2 role and so their mistakes were part of the process. CAPT L would not listen to her explanation.

(3) LCDR W said she never received, witnessed nor heard about CAPT L providing constructive feedback to anyone on DESRON 15 staff. She now believes he was overwhelmed by the job and that may be why he acted the way he did: defensive, controlling but no ownership, blaming others, overreacting to small issues, etc.

(4) While with DESRON 15, LCDR W felt she "covered down" for her people and tried to keep others from being impacted by the negative environment. She stated that maybe CAPT L thought she was too nonchalant about her job but she didn't want to appear affected by the way she was treated. LCDR W stated she felt responsible for others - "what if someone didn't bounce back like I did or the other people with me there bounced back" after leaving DESRON 15. LCDR W stated she was reviewing her record recently and has had to explain the detaching FITREP from CAPT L on a number of occasions; most recently during a mentoring session with an O-6 at ONI who asked her if she was okay that this (what she described) could happen to someone else? LCDR W stated, "It is not hurting me anymore and maybe he is okay as a staff officer since that is what I have heard but I worry about his negative impact on others." She said the "environment was so bad they (DESRON 15 staff) all

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felt if they were on a ship together and it was sinking, he would sacrifice everyone, save himself and then blame them." (repeat of written remark in complaint) Her detaching FITREP trait average was 2.83 (mission accomplishment/initiative & leadership below 3.0), 1 of 1, Promotable covering 5 months after previous FITREP, which was in October 2012 and extended through the December 2012 change of command. LCDR W stated her first O-4 FITREP was 1 of 1 EP (first O-4 report) with no marks below 3.0. She stated (b)(6), (b)(7)(c), (k)(2) (b)(6), (b)(7)(C) during Oct 2012 FITREP debrief) explained to her the trait grades would provide room to grow.

(5) Before being considered for promotion to admiral, she thought there would be some kind of peer review outside the selection board process. But, when she found out something like that did not happen, she decided to submit a complaint. LCDR W stated she saw CAPT L in the Pentagon after she sent in the complaint.

(b) (b)(6), (b)(7)(C), (k)(2) (b)(6), (b)(7)(c), (k)(2) USN, 29 March 2016 phone interview. (b)(6), (b)(7)(c), (k)(2) was DESRON 15 (b)(6), (b)(7)(c), (k)(2) from September 2010 to July 2013.

(1) (b)(6), (b)(7)(c), (k)(2) attended staff meetings and 1-on-1 update briefings with CAPT L (now Commodore) and often with the Deputy Commodore, (b)(6), (b)(7)(c), (k)(2) (hereafter (b)(6), (b)(7)(c), (k)(2) but he did not attend every daily staff meeting. (b)(6), (b)(7)(c), (k)(2) described CAPT L as a "Straight Shooter, calculated, professional and focused." (b)(6), (b)(7)(c), (k)(2) said he liked CAPT L's leadership style.

(2) (b)(6), (b)(7)(c), (k)(2) described a high pressure environment (b)(7)(C), (C), (k)(2) due to him (CAPT L) but due to operational mission in that area." (b)(6), (b)(7)(c), (k)(2) believed in an open door and did see lots of Sailors and Staff members during formal counseling as well as informal sessions but does not recall any individual coming to see him blaming their stress on CAPT L.

(3) The (b)(6), (b)(7)(c), (k)(2) incident mentioned by LCDR W in her written complaint - (b)(6), (b)(7)(c), (k)(2) brought this up stating, "My (b)(6), (b)(7)(c), (k)(2) was late picking CAPT L up at the airport because the (b)(6), (b)(7)(c), (k)(2) was circling the arrivals area in a car at Narita and did not park. The (b)(6), (b)(7)(c), (k)(2) really screwed up." It was the most upset he ever saw CAPT L and CAPT L "was right" that the (b)(6), (b)(7)(c), (k)(2) did not do his job properly.

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(4) (b)(6), (b)(7)(c), (k)(2) could not recall any problems due to CAPT L and could not recall any staff member complaining about CAPT L.

(5) He did not perceive a significant change in the way the staff ran or in pressure after the December 2012 change of command.

(c) (b)(6), (b)(7)(c), (k)(2) (b)(6), (b)(7)(c), (k)(2) USN, 29 March 2016 phone interview. (b)(6), (b)(7)(c), (k)(2) was DESRON 15 Staff (b)(6), (b)(7)(c), (k)(2) from June 2010 to July 2013.

(1) CAPT L was not there all the time as Deputy. He arrived in December 2011 then left from February 2012-April 2012 to be CO COWPENS. Then, he was Deputy from April until the change of command in December 2012.

(2) CAPT L was demanding and professional. (b)(6), (b)(7)(c), (k)(2) was more hands-off in his leadership style. CAPT L was more hands-on and his expectations were very high. Long days were required to try to meet his expectations in work product and it was hard to achieve what CAPT L wanted. (b)(6), (b)(7)(c), (k)(2) felt the job was very challenging but that the tour was good for him since he learned a lot about how to run a staff. Daily requirements were demanding due to the AOR.

(3) (b)(6), (b)(7)(c), (k)(2) said CAPT L conducted mid-term counseling with staff members and often provided direction. He said CAPT L was tough but fair, did not show favoritism, and did not discriminate between Surface Warfare Officers and others. CAPT L's standards were high and the staff had to work hard to try to achieve them.

(4) He said CAPT L was on the N2, then-LT Wittosch, her (b)(6), (b)(7)(c), (k)(2) and (b)(6), (b)(7)(c), (k)(2) who had difficulty meeting daily briefing requirements and product quality expectations.

(5) Outside of a single message released with the incorrect classification, (b)(6), (b)(7)(c), (k)(2) stated there were no issues with classified material or personnel access to the same.

(d) (b)(6), (b)(7)(c), (k)(2) (b)(6), (b)(7)(c), (k)(2) 29 March 2016 phone interview. (b)(6), (b)(7)(c), (k)(2) was DESRON 15 Staff (b)(6), (b)(7)(c), (k)(2) from August 2011 to December 2012.

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(1) Transition between Deputy CDRES was challenging due to changing lines of communications, chop chains, expectations, and leadership styles, particularly when CAPT L left in February 2012-April 2012 to be CO COWPENS; (b)(6), (b)(7)(c), (k)(2) reporting chain shortened due to no Deputy CDRE in place. Then when CAPT L returned, internal chop requirements increased but was not unexpected or unusual.

(2) As Deputy Commodore, CAPT L was very good at communicating with other staffs in the strike group. He decreased the workload for the DESRON Staff by coordinating with other Deputy Warfare Commanders to make sure there were very few, if any, disagreements by the time it came to Warfare Commanders' decisions.

(3) (b)(6), (b)(7)(c), (k)(2) and CAPT L had completely different personalities. (b)(6), (b)(7)(c), (k)(2) was a "smack you in the face" guy and CAPT L was a "chess player." Both were superb commanders, but different.

(4) (b)(6), (b)(7)(c), (k)(2) was much harsher and more emotional in his dealings with people than CAPT L. (b)(6), (b)(7)(c), (k)(2) told the staff he would get emotional and if he did not calm down after about 3 minutes, tell him. CAPT L could be harsh or light a fire in the staff when he needed to get a point across and he could be passive-aggressive, but he was very clear and very professional. CAPT L shared the importance of team ("wingman concept") with (b)(6), (b)(7)(c), (k)(2). CAPT L told (b)(6), (b)(7)(c), (k)(2) that leaders need to give clear direction and then we help each other out getting there. Don't leave your wingman behind. (b)(7)(C), (k)(2)

(5) (b)(6), (b)(7)(c), (k)(2) stated, "I give credit to him (CAPT L) as the best listener" (b)(7)(C), (k)(2) and how every commander should be. He also took accountability/ownership and stuck with decisions. (b)(7)(C), (k)(2)

(6) Synching the team took lots of effort; the DESRON 15 job is a grinder and the O-6's had to get down into the work with their sleeves rolled up.

(7) (b)(6), (b)(7)(c), (k)(2) said the N2, LCDR Wittosch, was not suited for the job and was crushed. She was very ineffective in her job. CAPT L was brutally honest with her as she was not doing her job and he was honest on her FITREP. She (LCDR W) was so

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ineffective and could not produce what he expected that she was probably too stressed to approach him at times. When CAPT L was mad, he got over it and was straight forward. "He embodied what every commander should be like." "He provided clear direction - she could not perform."

(e) (b)(6), (b)(7)(c), (k)(2) 31 March phone interview.  
(b)(6), (b)(7)(c), (k)(2) was DESRON 15 Deputy Commodore from December 2012 to March 2014.

(1) Work environment was very busy due to the AOR. Although staff size is larger than typical DESRON, DESRON 15 is always operational so staff is working hard in the cave or on the CVN while also meeting watch standing requirements and answering tasking, many emergent due to constant operational demands.

(2) Transition from (b)(6), (b)(7)(c), (k)(2) to CAPT L was distinct. CAPT L injected processes and structure into staff that had been more narrowly focused/less structured/more autonomous. He clearly explained expectations and revisited those expectations by providing feedback routinely. He changed internal and external processes to meet the demands from higher (Carrier Strike Group FIVE and SEVENTH Fleet).

(3) He was fair, tough, not abusive, and a clear communicator. There was no discrimination and all personnel were expected to meet standards. He communicated in a straight forward way, provided plenty of direction, and was poker faced.

(4) All staff worked together in a team concept. (b)(6), (b)(7)(c), (k)(2) said he didn't know what the Department Heads were saying (6), (b)(7) about LCDR W between them. Perhaps they gave up on her after (C), trying to help her but, she was still not able to pull her (k)(2) weight.

(5) N2, LCDR W's accountability matrix changed after the Change of Command in December 2012. She was expected to support the entire range of DESRON 15 missions after a less broad ASW focus under (b)(6), (b)(7)(c), (k)(2) LCDR W was not held accountable previously and perhaps treated with kid gloves. She would show up late/just prior to morning meetings routinely and her presentations were poor. She consistently sent the signal to

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leadership she was not taking our direction or advice seriously. She delegated to her Petty Officer ([REDACTED], I believe) who could not speak English well, had difficulty briefing or answering questions, and was not improving. The briefings suffered. "She did not cut it."

(6) LCDR W could not meet the expectations of her job and did not make any progress despite direction and opportunity.

(7) LCDR W was counseled on requirements and expectations on numerous occasions with both CDRE and Deputy together. He does not remember specifically when 1 on 1 counseling with CAPT L occurred. She received a Letter of Instruction (LOI) in January 2013 to provide a clear and unambiguous signal about performance with constructive and concrete direction for immediate implementation.

(8) (b)(6), (b)(7)(c), (k)(2) said this (complaint) seems to be revisionist history by LCDR W. She did not improve as N2, did not like to stand watch, was routinely late, and would often disappear for long periods of time during the day.

(9) N2, LCDR W, was an underperformer who was unable to meet the expectations despite consistent explanations, mentoring/counseling. She was not reliable and often MIA. Leadership felt she was not upwardly mobile due to poor performance. During personnel discussions between CAPT L and (b)(6), (b)(7)(c), (k)(2) they discussed the need for a new N2 and discussed future orders for LCDR W with Naval Personnel Command (NPC) [detailer]. We told NPC, "she should not be at ONI as a briefer based on performance at DESRON 15."

(10) (b)(6), (b)(7)(c), (k)(2) debriefed her detaching FITREP. He stated, she brought that (her detaching FITREP marks) on. "When I debriefed a FITREP, I aimed to be very professional and honest. With this type of poor performance, I probably discussed other options/activities they should think about pursuing inside/outside the Navy."

(11) The next N2 assigned to DESRON 15 was a Reserve Officer and teacher as a civilian. She had much less experience as an Intel Officer but was much better at delivering what was

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expected. She changed the structure of her products and organized her personnel to meet the Commander's needs.

(12) Leadership discussions about the medical status of personnel assigned to DESRON 15 were routine like in any command. Medical complaints may indicate command health and stress. Every CO and Commander tracks medical readiness issues related to individual and unit capability of meeting underway and in-port manning and watch standing needs, as well as security clearance requirements.

(f) CAPT Paul J. Lyons (CAPT L) 31 March phone interview. CAPT L was DESRON 15 Deputy Commodore from December 2011 to December 2012 and DESRON 15 Commodore from December 2012 to March 2014.

(1) As Commodore, CAPT L said he saw the need to move the mission downfield and more fully meet CSG Commander and Fleet needs across the entire mission set beyond the relatively narrow, though important, ASW mission. DESRON 15 is in a tough and busy AOR with lots of demands on our capabilities. We reinvigorated the staff to raise performance standards across the board. CAPT L stated he saw this as a whole of team effort and worked to change the culture on the staff to a team mentality. He said that although he may have been quarterback, we're all linemen and needed to push together [work] as a team.

(2) CAPT L said, "I make it a point to not swear," and he believes in treating everyone equally and fairly without white gloves. CAPT L said he provided clear direction and intent routinely. Counseling is critical to improving and that is what we did with each officer, particularly the department heads. "This is what you need to do" is as clear as it gets. I ensured they were provided feedback. I can guarantee one hundred percent that if they were not meeting the mark, they received clear feedback on expectations. It was the way we could improve. Despite what we thought was clear direction, she would be physically at Commander, Naval Forces Japan (CNFJ), not an operational command, instead of at C7F staying up to speed with the Fleet Commander's N2 folks, despite clear direction otherwise.

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(3) Intel matters and not just in one area. We needed to be 3, 4, 5 dimensional, covering all warfare areas to support our commander. I think N2 got a pass from (b)(6), (b)(7)(c), (k)(2) in that she needed professional development. She was not held accountable to meet requirements previously and we all needed her to step up.

(4) CAPT L confirmed (b)(6), (b)(7)(c), (k)(2) statements about attention paid to personnel medical issues.

(5) LCDR W's performance was very poor and she did not improve. She did not seem to want to take our advice or follow through.

(6) I don't recall why (b)(6), (b)(7)(c), (k)(2) debriefed her detaching FITREP but I was probably in our spaces on the CVN (GW) and he was at the Cave (on base secure offices). (PIO comment: Might have been because recent foot surgery limited her mobility)

#### 4. Findings and opinion.

(a) During phone interviews with personnel previously assigned to DESRON 15 staff between June 2011 and May 2013, the Abuse of Authority complaint was not corroborated. Outside the complainant, interviewees' descriptions of the work environment, expectations, communication, staff interactions and functions were consistent. As Deputy and eventually Commodore, CAPT Lyons was clear, consistent, rigorous, demanding and fair with each staff member equally. He focused on growing DESRON 15's capability to support all mission requirements. He did not violate any UCMJ articles or workplace norms.

(b) Prior to assignment as N2 in DESRON 15, the complainant had limited, if any, exposure to warfighting staff organization and functions or to surface warfare mission sets, and was not prepared to meet the vast intelligence requirements to support continuous, high-tempo underway operations in SEVENTH Fleet. Under the prior Commodore, the complainant may not have been expected to deliver full spectrum intelligence products beyond the anti-submarine warfare area. Following the December 2012 change of command, the complainant did not meet intelligence support requirements described, expected and directed by DESRON 15 leadership. CAPT Lyons communicated expectations

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consistently. In January 2013, CAPT Lyons then provided the complainant with a formal written signal that her performance was lacking, including concrete direction for immediate implementation, after 1-on-1 mentoring did not lead to improved performance. The complainant suffered a foot injury in early March 2013 followed some weeks later by surgery and a convalescent period before detaching in May 2013. At least from the December 2012 Change of Command until surgery, the complainant, perhaps intimidated by feedback on inadequate performance or failure to improve and not having been previously required by (b)(6), (b)(7)(C), (k)(2) to provide a wider spectrum of intelligence support, was unable or unwilling to adjust her methods to meet the warfighting commander's needs.

(c) A preponderance of the evidence did not support any of the four areas of inquiry: discrimination against non-Surface Warfare Officers, abusive treatment of staff members, interfering with medical treatment for staff members, and improper handling of classified information.

5. Recommendations.

(a) No further investigation is warranted.

(b) Debrief CAPT Lyons on the complaint resolution.

(b) (6), (b) (7)(C), (k)(2)

